

data, and the recordkeeping and reporting requirements.

### VIII. Statutory Authority

The statutory authority for this proposal is provided by section 101, 112, 114, 116, and 301 of the Clean Air Act, as amended; 42 U.S.C., 7401, 7412, 7414, 7416, and 7601.

### List of Subjects in 40 CFR Part 63

Environmental protection, Air pollution control, Containers, Hazardous air pollutants, Off-site waste and recovery operations, Land disposal units, Process vents, Recoverable materials, Tanks, Surface impoundments, Waste.

Dated: September 30, 1994.

**Carol M. Browner,**

*The Administrator.*

[FR Doc. 94-25064 Filed 10-12-94; 8:45 am]

BILLING CODE 6560-50-P

### 40 CFR Part 300

[FRL-5089-6]

### National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List Update

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of intent to delete the Olmsted County Landfill Site from the National Priorities List; request for comments.

**SUMMARY:** The United States Environmental Protection Agency (USEPA) Region V announces its intent to delete the Olmsted County Landfill Site from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Contingency Plan (NCP), which USEPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) as amended. This action is being taken by USEPA, because it has been determined that all Fund-financed responses under CERCLA have been implemented and USEPA, in consultation with the State of Minnesota, has determined that no further response is appropriate. Moreover, USEPA and the State have determined that remedial activities conducted at the Site to date have been protective of public health, welfare, and the environment.

**DATES:** Comments concerning the proposed deletion of the Site from the

NPL may be submitted on or before November 14, 1994.

**ADDRESSES:** Comments may be mailed to Ramon Torres (HSRM-6J) Remedial Project Manager or Gladys Beard (HSRM-6J) Associate Remedial Project Manager, Office of Superfund, USEPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604. Comprehensive information on the site is available at USEPA's Region V office and at the local information repository located at: Rochester Public Library, 11 First Street, SE., Rochester MN 55904. Requests for comprehensive copies of documents should be directed formally to the Region V Docket Office. The address and phone number for the Regional Docket Officer is Jan Pfundheller (H-7J), USEPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 353-5821.

**FOR FURTHER INFORMATION CONTACT:** Ramon Torres (HSRM-6J) Remedial Project Manager or Gladys Beard (HSRM-6J) Associate Remedial Project Manager, Office of Superfund, USEPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 886-7253 or Derrick Kimbrough (P-19J), Office of Public Affairs, USEPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 886-9749.

### SUPPLEMENTARY INFORMATION:

I. Introduction

II. NPL Deletion Criteria

III. Deletion Procedures

IV. Basis for Intended Site Deletion

### I. Introduction

The Environmental Protection Agency (EPA) Region V announces its intent to delete the Olmsted County Sanitary Landfill Site from the National Priorities List (NPL), which constitutes appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), and requests comments on the deletion. The EPA identifies Sites that appear to present a significant risk to public health, welfare or the environment, and maintains the NPL as the list of those Sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund Response Trust Fund (Fund). Pursuant to § 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed remedial actions if the conditions at the site warrant such action.

The USEPA will accept comments on this proposal for thirty (30) days after publication of this document in the **Federal Register**.

Section II of this document explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section

IV discusses the history of this site and explains how the site meets the deletion criteria.

Deletion of sites from the NPL does not itself create, alter, or revoke any individual's rights or obligations. Furthermore, deletion from the NPL does not in any way alter USEPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist in Agency management.

### II. NPL Deletion Criteria

The NCP establishes the criteria the Agency uses to delete Sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. In making this determination, USEPA will consider, in consultation with the State, whether any of the following criteria have been met:

- (i) Responsible parties or other persons have implemented all appropriate response actions required; or
- (ii) All appropriate Fund-financed responses under CERCLA have been implemented, and no further response action by responsible parties is appropriate; or
- (iii) The Remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, remedial measures are not appropriate.

### III. Deletion Procedures

Upon determination that at least one of the criteria described in § 300.425(e) has been met, USEPA may formally begin deletion procedures once the State has concurred with the intent to delete. This **Federal Register** document, and a concurrent notice in the local newspaper in the vicinity of the Site, announce the initiation of a 30-day comment period. The public is asked to comment on USEPA's intention to delete the site from the NPL. All critical documents needed to evaluate USEPA's decision are generally included in the information repository and the deletion docket.

Upon completion of the public comment period, if necessary, the USEPA Regional Office will prepare a Responsiveness Summary to evaluate and address comments that were received. The public is welcome to contact the USEPA Region V Office to obtain a copy of this responsiveness summary, if one is prepared. If USEPA then determines the deletion from the NPL is appropriate, final notice of deletion will be published in the **Federal Register**.

### IV. Basis for Intended Site Deletion

The Olmsted County Landfill is located in the Oronoco Township just

east of State Highway 52 about three miles north of Rochester's city limits. The Minnesota Pollution Control Agency issued the landfill's operating permit to the City of Rochester in 1970, and amended it in 1972, 1979 and 1984. In late 1982 the city transferred ownership of the landfill to Olmsted County. The facility's permitted boundary encompasses 304 acres. The county stopped sending municipal wastes to the landfill in 1987, but one cell continued to be used for demolition debris and coal ash from Rochester Public Utilities until March 1993. The county has now officially ceased using the landfill. It has been permanently covered, and the landfill was certified closed by the Minnesota Pollution Control Agency in December 1993.

Beginning in 1983, monitoring wells on the Site showed groundwater beneath the landfill was being contaminated with volatile organic compounds (VOCs) that are typically found at landfills. The landfill was added to the Permanent List of Priorities (the Minnesota Superfund list) in 1984, and in 1986 the USEPA placed it on the National Priorities List (Federal Superfund list), 51 FR 21054-21112. Under a cooperative agreement with the USEPA, the MPCA assumed management of Superfund activities at the Site. The MPCA issued a Request for Response Action in 1989 directing the city and the county to investigate the nature and extent of the contamination. Olmsted County has taken the lead in funding and conducting the investigation.

The Remedial Investigation (RI) of the Olmsted County Landfill Site included an ongoing dye-trace study to determine the direction and rate of groundwater flow in the vicinity of the landfill. Ambient air and landfill gas samples were characterized, along with ground- and surface-water samples.

Numerous field investigations were conducted over a 13-month period. The RI was completed in July 1992. The supplemental RI, which was completed in September 1993, was conducted in order to further investigate gas emissions at the site.

Based on the findings in the Remedial Investigation and the Supplemental Remedial Investigation, further response under CERCLA is not necessary. The low potential for Site impacts will be adequately addressed under the Minnesota Solid Waste Rules for landfills. The continued monitoring, long-term care and contingency actions are specified in a Closure Order and Post Closure Care Plan issued to the County on March 22, 1994, by the MPCA. Continued monitoring to insure

compliance with Minnesota Solid Waste Rules will adequately protect human health and the environment. Annual reviews of the data collected are a current requirement under the Rules.

On June 21, 1994, a Record of Decision was signed that concludes no remedial action under CERCLA is necessary at the Site. The selected no-action remedial alternative was chosen in accordance with CERCLA.

EPA, with concurrence of the State of Minnesota, has determined that all appropriate Fund-financed responses under CERCLA at the Olmsted County Landfill site have been completed, and no further Superfund response is appropriate in order to provide protection of human health and the environment.

Dated: September 29, 1994.

**Valdas V. Adamkus,**

*Regional Administrator, USEPA, Region V.*

[FR Doc. 94-25194 Filed 10-12-94; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 76

[MM Docket Nos. 92-266 and 93-215, FCC 94-234]

#### Cable Television Act of 1992

**AGENCY:** Federal Communications Commission.

**ACTION:** Further notice of proposed rulemaking.

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**SUMMARY:** This further notice of proposed rulemaking is one segment of the Fifth Order on Reconsideration and Further Notice of Proposed Rulemaking in this proceeding. The final rules adopted in this decision may be found elsewhere in this issue. In the Further Notice Proposed Rulemaking, the Commission sought comment on possible alternative definitions for small cable operators, independent small cable systems, and small cable systems owned by small multiple system operators. The Commission also sought comment on whether to retain current definitions or use different definitions for purposes of establishing special rate or administrative treatment for small operators and small multiple system operators. The Commission specifically seeks comment on these issues in light of Section 3(a) of the Small Business Act, and on whether the Commission should employ the current Small Business Administration definition of a small cable company in the cable rules. A change in the definitions of these

categories of cable operators may affect eligibility under any final rules which the Commission may adopt pertaining to small cable systems.

**DATES:** Comments are due on or before November 16, 1994 and reply comments are due on or before December 16, 1994

**ADDRESSES:** Comments and reply comments should be sent to Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Susan Cosentino, (202) 416-0800.

**SUPPLEMENTARY INFORMATION:** This is the proposed rules segment of the Commission's Fifth Order on Reconsideration and Further Notice of Proposed Rulemaking in MM Docket No. 92-266 and MM Docket No. 93-215, FCC 94-234, adopted September 12, 1994 and released September 26, 1994. The complete text of this document is available for inspection and copying during normal business hours in the FCC Reference Center (room 239), 1919 M Street, NW., Washington, DC, and also may be purchased from the Commission's copy contractor, International Transcription Service at (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

#### Further Notice of Proposed Rulemaking

##### Background

In 1992, Congress amended § 3(a) of the Small Business Act to require federal agencies to use small business definitions created by the Small Business Administration ("SBA"), or in the alternative, seek public comment on different definitions and obtain the approval of the Small Business Administrator with regard to any regulation applicable to small businesses, unless other statutory definitions are applicable. SBA rules currently define a small cable company as one with \$11 million or less in gross revenues. The Cable Television Consumer Protection and Competition Act of 1992 defined a small cable system as one with 1,000 or fewer subscribers. A small cable operator is defined as one with 15,000 or fewer subscribers that is not affiliated with a larger operator. In addition, a small multiple system operator ("MSO") is one serving 250,000 or fewer total subscribers that owns only systems with less than 10,000 subscribers each and has an average system size of 1,000 or fewer subscribers. In this rulemaking, the SBA's Office of Advocacy and the Small Cable Business Association have expressed concern about the Commission's definitions of small operators eligible for transition relief